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10/596,378	06/12/2006	Doron Korman	13004.1020	5907
35856 7590 11/09/2010 SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC Two Ravinia Drive Suite 700 ATLANTA, GA 30346				
EXAMINER				
GOYTEA, OLUSEGUN				
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3687				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/596,378

**Applicant(s)**

KORMAN, DORON

**Examiner**

OLUSEGUN GOYEA

**Art Unit**

3687

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Prosecution Summary History***

This office action is in response to Applicant's submission filed 08/30/2010. Currently, claims 1-8 and 26-29 are pending. Claims 3 and 26 have been amended. Claim 30 is newly added.

### ***Response to Amendment***

Applicant's amendments to claim 3 are sufficient to overcome the rejection under 35 U.S.C. 112, first paragraph, as set forth in the previous action.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby) in view of US 20040204837 (Singleton).

Referring to **claim 1**, Darby discloses a method and system for delivering medical assistance to a traveler while visiting in a foreign country, the traveler utilizing a client system, the method comprising the steps of:

displaying one or more selection buttons on a display of the client system, each selection button being associated with at least one type of medical assistance, the medical assistance being provisioned in at least two different languages and being associated with at least two countries; receiving a selection of one of the selection buttons; [see paragraph 0021, 0042 (lines 14-33), 0047 (lines 6-17), 0061 (lines 13-25) – *The user presses the appropriate button or menu selection on the pocket part and the request is received based on the menu selection. Although, the method and system of deals with application in the travel industry, it is analogous and applicable in the medical field for a user to obtain medical services when on travel or in a foreign country. See MPEP 2143 (F)*]

the server delivering the medical assistance associated with the selected button in the selected language and customized based on the selected country. [see paragraph 0042 (lines 14-33), 0047 (lines 6-17), claims 22 & 62]

But Darby does not explicitly disclose the limitation: sending a request to a server.

However, Singleton teaches a similar method and system with the limitation: sending a request to a server. [see paragraph 0043, 0032]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system according to the combination of Darby to have incorporated the limitation: sending a request to a server, in accordance with the teachings of Singleton, in order to provide a user with medical assistance during travel, since so doing could be preformed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risks of unexpected results.

Referring to **claim 2**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby not explicitly disclose the limitation: wherein the step of delivering the medical assistance comprises selecting medical assistance from a group consisting of:

- providing information on medical services in the foreign country,
- translating a prescription to the foreign language,
- translating medical information of the traveler into the foreign language,
- delivering a medical referral in the foreign language,
- providing online medical consulting in a preferred language of the traveler, and
- providing online drug consultation in a preferred language of the traveler.

However, Singleton teaches a similar method and system with the limitation: wherein the step of delivering the medical assistance comprises selecting medical

assistance from a group consisting of: providing information on medical services in the foreign country, translating a prescription to the foreign language, translating medical information of the traveler into the foreign language, delivering a medical referral in the foreign language, providing online medical consulting in a preferred language of the traveler, and providing online drug consultation in a preferred language of the traveler. [see paragraph 0006, 0007, 0054, 0057 – *Medical services provided in a foreign country can be made available to a user/patient during travel.*]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Darby to have incorporated the limitation: wherein the step of delivering the medical assistance comprises selecting medical assistance from a group consisting of: providing information on medical services in the foreign country, translating a prescription to the foreign language, translating medical information of the traveler into the foreign language, delivering a medical referral in the foreign language, providing online medical consulting in a preferred language of the traveler, and providing online drug consultation in a preferred language of the traveler, in accordance with the teachings of Singleton, in order to provide a user with medical assistance during travel, since so doing could be preformed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risks of unexpected results.

Referring to **claim 3**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitation: wherein

the at least one type of medical assistance includes providing an over the counter (OTC) prescription available in the foreign country.

However, Singleton teaches a similar method and system with the limitation: wherein the at least one type of medical assistance includes providing an over the counter (OTC) prescription available in the foreign country. [see paragraph 0006, 0007, 0054, 0057 – *It would be obvious to one of ordinary skill in the art that the method and system can be used to provide the user/patient with available medicine/drugs during travel or in a foreign destination, as used in providing treatment/care to the patient.*]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system according to Darby to have incorporated the limitation: wherein the at least one type of medical assistance includes providing an over the counter (OTC) prescription available in the foreign country, in accordance with the teachings of Singleton, in order to provide a user with medical assistance during travel, since so doing could be preformed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risks of unexpected results.

Referring to **claim 4**, Darby discloses the method and system as applied in the rejection of claim 1 above, wherein the client system and server system communicate via the Internet and the step of sending the request to the server comprises sending the request over the Internet. [see paragraph 0023, 0024, 0026, 0027]

**Claims 5-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby) in view of US 20040204837 (Singleton), as applied to claim 1 above, and further in view of US 20050075909 (Flagstad).

Referring to **claim 5**, the combination of Darby and Singleton discloses the method and system as applied in the rejection of claim 1 above. But the combination does not explicitly disclose the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article.

However, Flagstad teaches a system with the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article. [see paragraph 0048-0049]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to the combination of Darby and Singleton to have incorporated the limitation: further comprising a life saving article, the life saving article identifying emergency medical information that is related to the traveler and a URL for the server, and the step of sending a request to a server further comprises sending the request to the URL identified on the life saving article, in accordance with the teachings of Flagstad, in order to obtain medical information about



a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 6**, the combination of Darby and Singleton discloses the method and system as applied in the rejection of claim 5 above. But the combination does not explicitly disclose the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker.

However, Flagstad teaches a system with the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker. [see paragraph 0022]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system according to the combination of Darby and Singleton to have incorporated the limitation: wherein the life saving article is selected from a group consisting of a necklace with a notice plate, a plastic card, or key-holder with a medical plate and a sticker, in accordance with the teachings of Flagstad, in order to obtain medical information about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 7**, the combination of Darby and Singleton discloses the method and system as applied in the rejection of claim 5 above. But the combination does not explicitly disclose the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password.

However, Flagstad teaches a system with the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password. [see paragraph 0048 – *The memory device contains a password number used to access medical information of the person from a service provider's website located on the memory device.*]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to the combination of Darby and Singleton to have incorporated the limitation: wherein the life saving article comprises an emergency password and the step of sending a request to the server further comprises sending the emergency password, in accordance with the teachings of Flagstad, in order to obtain medical information about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 20030013438 (Darby), as applied to claim 1 above, and further in view of US 4803625 (Fu et al. – hereinafter referred to as Fu).

Referring to **claim 8**, Darby discloses the method and system as applied in the rejection of claim 1 above. But Darby does not explicitly disclose the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server.

However, Fu teaches a system with the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server. [see col. 5, lines 6-26; ]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system according to Darby to have incorporated the limitation: further comprising a medical measurement device that can be attached to the traveler and is operable to take certain medical measurements of the traveler, and the method further comprises the step of taking the certain medical measurements and transferring the certain medical measurements to the server, in accordance with the teachings of Reeves, in order to obtain vital medical parameters

about a person or traveler in case of a medical emergency, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Referring to **claim 26**, Darby discloses a method and system for delivery medical assistance to a traveler, the server being accessible by a traveler that is traveling in a foreign country and that is operating a client device, the server comprising:

a communication module operative to communicate HTML information illustrating a display of one or more selection buttons on a display of a client system, each selection button being associated with at least one type of medical assistance, the medical assistance being provisioned in at least two different languages and being associated with at least two countries; a communication module operative to receive a selection of one of the selection buttons; [see paragraph 0019, 0029, 0021, 0042 (lines 14-33), 0047 (lines 6-17), 0061 (lines 13-25) – *The user presses the appropriate button or menu selection on the pocket part and the request is received based on the menu selection. Although, the method and system of deals with application in the travel industry, it is analogous and applicable in the medical field for a user to obtain medical services when on travel or in a foreign country. See MPEP 2143 (F)*]

a webpage generating module for delivering the medical assistance associated with the selected button in the selected language and customized based on the selected country. [see paragraph 0042 (lines 14-33), 0047 (lines 6-17), claims 22 & 62]

But Darby does not explicitly disclose the limitation: a database access module operative to access at least one of: a medical services and clinics database, a prescription database, a sickness database and a referral database.

However, Singleton teaches a similar system with the limitation: a database access module operative to access at least one of: a medical services and clinics database, a prescription database, a sickness database and a referral database. [see paragraph 0043, 0032]

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system according to the combination of Darby to have incorporated the limitation: a database access module operative to access at least one of: a medical services and clinics database, a prescription database, a sickness database and a referral database, in accordance with the teachings of Singleton, in order to provide a user with medical assistance during travel, since so doing could be preformed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risks of unexpected results.

Referring to **claims 27-29**, they contain similar limitations as set forth in claims 4, 5, 6 and 8, and therefore are rejected based on the same rationale.

Referring to **claim 30**, it contains similar limitations as set forth in claim 26, and therefore is rejected based on the same rationale.

***Response to Arguments***

Applicant's arguments with respect to the rejection of claims 1 and 4 under 35 U.S.C. 102(b) based on US 20030013438 (Darby) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 20030013438 (Darby) in view of US 20040204837 (Singleton).

Regarding claim 1, Applicant submits that Darby describes a Pocket Concierge method and system comprising a call center, a communications network, and a multimedia wireless terminal for use by a person that is not affluent in the language of a visited locale. Darby also mentions several times that the Pocket Concierge may be applicable for medical related applications, however, Darby does not specifically disclose any embodiments, features, aspects or elements related to the use of the Pocket Concierge in a medical application or the provision of medical services as recited in claims 1 and 4.

Applicant submits that with regards to claim 1, the Office alleges that Darby discloses the element of "displaying one or more selection buttons on a display of the client system, each selection button being associated with at least one type of medical assistance" and "delivering the medical assistance associated with the selected button". The Office relies on paragraphs 0021, 0042 (lines 14-33), 0047 (lines 6-17) and 0061 (lines 13-25). The applicant respectfully submits that the presented references, similar to the entire Darby reference, does not describe this claim element.

Paragraph 0021 of Darby simply describes a user interface of a Pocket Computer that can include a touch sensitive LCD panel with a soft keyboard, handwriting recognition and optional voice recognition (as well as other input means).

Paragraph 0042 describes an embodiment of the Pocket Concierge for use in the travel industry. In this embodiment, a user can place a call to a call center and receive instructions in that user's native language. The call center is described as being a human operator or even a software agent. Further, paragraph 0042 as well as 0047 describes the provision of information or instructions to the use. In paragraph 0047, the instructions are described as being presented in the user's language as well as the local language.

Paragraph 0061 describes further embodiments, one such embodiment including video conferencing. In the example, Darby simply mentions that video conferencing is beneficial in telemedicine applications or in providing emergency medical services. What is lacking in these passages and in Darby as a whole, is a device that is focused only on providing medical assistance. It should be noted that this is not the provision of a videoconferencing function that can be used by medical personnel, but rather a dedicated device the presents one or more selection buttons, with each button being associated with at least one type of medical assistance. This medical assistance is provisioned from a server in response to a user selecting one of the selection buttons. The medical assistance that is delivered from the server is associated with the selected button.

Applicant submits that, by interpreting Darby as liberal as possible, all it discloses is a user interface in which a call can be placed to a human or software agent, and then, information can be provided to that human or software agent in the form of a request for other information.

Thus, Darby does not disclose a button that is associated with at least one type of medical assistance, and that when pressed or selected, results in the provision of medical assistance associated with the button. Thus, the applicant respectfully submits that claim 1, as presented, is allowable over Darby.

Applicant submits that claim 4 is patentable over Darby based on its dependence from claim 1.

Further, Applicant submits that claims 2-8 are patentable over Darby based on its dependence from claim 1.

In addition, Applicant argues that Darby the modification of Darby as explained by the Examiner does not suggest or teach the limitations of claims 2 and 3.

Applicant explains that, Darby in essence, is no more similar to the present invention than a telephone or a mobile telephone. While a mobile telephone can be used to transmit vital statistics of a person being treated by emergency personnel at the scene of an accident, as can Darby, that is not what is recited and claimed. As previously mentioned, claim 1 and 4 recited buttons that are specifically associated with medical assistance and, as more precisely recited in claim 4, selection of one of the buttons results in the provision of assistance selected from the listed medical assistance services. The Darby reference only discloses that the Pocket Concierge CAN be used



by medical personnel, it does not describe how or in what ways other than that the medical personnel can send the vitals of a person to someone else. This does not equate to (a) providing information on medical services in the foreign country, (b) translating a prescription to the foreign language, (c) translating medical information of the traveler into the foreign language, (d) delivering a medical referral in the foreign language, (e) providing online medical consulting in a preferred language of the traveler, and (f) providing online drug consultation in a preferred language of the traveler.

Regarding claim 5, Applicant argues that Reeves does not teach the use of a URL. Applicant argues that Reeves teaches that the "bodily worn or hand held device" "can also be linked to the Internet via a serial number code" where "a serial number is inputted into a central website via access to the Internet through either the base unit 24 or field unit 25, the user records are accessible via this Internet link without having to use the interface wand to retrieve the records from within the bodily device." It is evident that Reeves assumes that the Internet link is known to the user who only needs the patient's access code to retrieve only the patient's personal information from the central website. Claim 5 states that the life saving article identifies the emergency medical information that is related to the traveler by providing a URL for its server.

Also, applicant submits that the same arguments presented above support the allowance of claims 26-29. However, the applicant has amended claim 26 to include a further limitation.

Applicant has added new claim 30 by adding the use of medical oriented databases such as a medical services and clinics database 220, a prescription database 240, a sickness database and a referral database 250, support for which can be found in paragraphs 46, 48, 50, and 51.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEGUN GOYEA whose telephone number is (571)270-5402. The examiner can normally be reached on Monday through Thursday, 8:00am to 5:00pm (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on (571)272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/O. G./  
Examiner, Art Unit 3687  
11/05/2010

/Matthew S Gart/  
Supervisory Patent Examiner, Art Unit 3687